

[24th February 1930]

After Lunch (2-30 p.m.).

* The hon. the PRESIDENT :—" I think it will be more to the convenience of the House if this motion is now put. If any hon. Member wants to oppose the motion, he can do so. Hon. Members may reserve their valedictory speeches for both the Bills to the end so that we can easily see how the time can be adjusted. I will now put the motion of the hon. the Chief Minister to the vote of the House."

The motion that the Bill be passed into law was put and adopted.

(2) A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920
(BILL NO. 13 OF 1929).

The hon. Dr. P. SUBBARAYAN :—" I move that the Bill to amend the Madras Local Boards Act be passed into law."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

* The hon. the PRESIDENT :—" We shall adopt the same procedure as we did in the case of the District Municipalities Bill. I shall put the amendments."

Clause 3 (iii).

New clause (6).

The hon. the PRESIDENT :—" The question is—

Omit the proviso."

The amendment was adopted.

Clause 3 (xiv).

New clause 19-A.

The hon. the PRESIDENT :—" The question is—

In line 4, after the word 'excluding' insert the word 'therefrom'."

The amendment was adopted.

Clause 3.

New clause 19-B.

The hon. the PRESIDENT :—" The question is—

In line 3, after the word 'excluding' insert the word 'therefrom'."

The amendment was adopted.

Clause 3 (xv).

New section 3 (21).

The hon. the PRESIDENT :—" The question is—

For the definition of sub-landholder, substitute the following definition, namely :—

(21) 'Sub-landholder' means a person not being a landholder who—

(a) (i) holds any portion of any estate consisting of one or more revenue villages on an under-tenure, created, continued or recognized by the proprietor of such estate, or

24th February 1930]

[The President]

(ii) is entitled to collect the rents of any such village or villages otherwise than as agent or servant of the landholder, and

(b) is registered as a sub-landholder in the office of the Collector under the rules prescribed.

Explanation.—In this clause, the word 'estate' means any estate falling under clause (a), (b) or (c) of the definition of 'estate' in the Madras Proprietary Estates' Village Service Act, 1894 and the word 'proprietor' means a proprietor as defined in that Act."

Mr. T. C. SRINIVASA AYYANGAR :—"Sir, some explanation is needed as to why the original provision is sought to be altered and what are the new estates that will come in the definition given in the present amendment."

* The hon. Dr. P. SUBBARAYAN :—"The changes made, hon. Members will see, are only of a drafting nature and intended to clarify the definition of sub-landholder. The new definition includes in clear terms all the categories which are intended to be included within the definition of sub-landholder. It includes under-tenure holders in the temporary zamindaris referred to in the latter part of clause (a) of definition of estates in the Proprietary Estates' Village Service Act. It also includes under-tenure holders holding from persons who are separately registered under clause (b) of that definition. The explanation to the definition as found in the present Bill does not make it clear whether the persons who are referred to therein should be registered in the office of the collector or not. The explanation has therefore been omitted and incorporated in the body of the definition itself."

* Mr. T. C. SRINIVASA AYYANGAR :—"Is there any provision for the registry of sub-landholders? There are the permanently-settled estates, there are the unsettled palayams, there are also under-tenures both permanent and for a term, some governed by the limited Proprietary Estates' Act and some by the Madras Proprietary Estates' Act. Some of the under-tenures were created, continued or recognized by the Proprietor. There are certain classes of under-tenures neither created, recognized nor continued by the landholders but on account of past political conditions are included in the geographical limits of another zamindari. They are not recognized by the holders and endless litigations have ensued in which any one of these conditions is given the go-by. It is not clear what are the various kinds of landholders that will come under this definition. Apparently, the Chief Minister will introduce some further amendment later on."

* The hon. the PRESIDENT :—"The necessity for changing the definition, as adopted by the Council during its consideration, is only this. Clause 21, as it is, contains reference to an estate. The word estate is not defined in the Act as it is. If the hon. Member will peruse the Proprietary Estates' Village Service Act, it will be seen that (a), (b) and (c) includes all classes of zamindaris. If any of these zamindaris had created an under-tenure, that tenure is covered by the word 'sub-landholder' and if any particular zamindar or particular tenure-holder is not covered, that may be an individual case to be dealt with respectively. But it is supposed to cover all cases."

Mr. T. C. SRINIVASA AYYANGAR :—"Thank you, Sir. Your explanation is more lucid than that of the Minister."

[24th February 1930]

The hon. the PRESIDENT :—"The hon. Member was not present in the select committee. In the select committee, I have taken the responsibility of providing this."

The amendment was put and adopted.

Clause 3 (xv).

New clause 21-A.

The hon. the PRESIDENT :—"The question is—

In lines 2 and 3, after the words 'revenue taluks' insert the words 'or the area' and for the words and figures 'sub-section (2) of the same section' at the end, substitute the words and figure 'sub-section (2) or sub-section (3) of that section, as the case may be'."

The amendment was adopted.

Clause 4.

Section 4.

Sub-section (1).

The hon. the PRESIDENT :—"The question is—

For the word and figure 'sub-section (2)' substitute the words and figures 'sub-sections (2) and (3)'."

The amendment was adopted.

Sub-section (2) (b) (ii).

The hon. the PRESIDENT :—"The question is—

After the word 'thereof' at the end, add the word 'or'."

The amendment was adopted.

Sub-section (2) (d).

The hon. the PRESIDENT :—"The question is—

To omit sub-section (2) (d)'."

The amendment was adopted.

New sub-sections (3) and (4).

The hon. the PRESIDENT :—"The question is—

After sub-section (2), insert the following sub-sections, namely—

'(3) (a) Notwithstanding anything contained in sub-sections (1) and (2), the Local Government may, in special circumstances, by notification declare any part of a district to be a taluk for the purposes of the Act and specify the name of the taluk.

(b) The Local Government may, by notification,—

(i) exclude from any taluk constituted under clause (a) any local area comprised therein or

(ii) include in any such taluk any local area in the vicinity thereof, or

(iii) cancel a notification issued under clause (a), or

(iv) alter the name of the taluk as notified under clause (a).

24th February 1930]

[The President]

- (c) *Before issuing a notification under clause (a) or clause (b) the procedure laid down in clause (c) of sub-section (2) shall be followed and the consent of the district board to the issue of such notification shall also be obtained.*
- (4) *Every notification issued under clause (a) or sub-clause (ii) of clause (b) of sub-section (2) or under clause (a) or sub-clause (ii) of clause (b) of sub-section (3) shall contain a statement of the reasons therefor and shall be laid on the table of the Legislative Council."*

* MR. A. RANGANATHA MUDALIYAR :—" Sir, I beg to speak on this amendment. You will see from the draft Bill that the Council has already passed that ordinarily one taluk should be constituted into a taluk board. Similarly, a district may be constituted a district board. Now, Sir, I am very sorry to say that the European members of this House are unconsciously the cause for the change to be proposed in the draft Bill. We have provided, as a matter of fact, that, when any taluk cannot work by itself, two taluks may be constituted into a taluk board if necessary. As a matter of fact, anybody who is acquainted with the working of taluk boards, knows the precarious condition of their finances, and it would be, from my point of view a very undesirable tendency on the part of Government if they should encourage taluks to be split up and to be constituted into two or more taluk boards. The whole trouble has arisen because of the legitimate desire, perhaps, of the European members to have Anamalais constituted into a separate taluk board. I do not know, Sir, how many villages are comprised in that area. Well, there may be one, two or three villages. If the area involved is so small as that, I should say that there is already a provision in this Bill, by which a panchayat for this area may be constituted to carry on the administration of its local affairs. But, evidently, that will not suit them. They are more ambitious and want to call their area a taluk board area because they have their eyes on the financial implications involved in that. If it is only a panchayat area, they will get only a quarter-anna of the cess levied per rupee and perhaps an equivalent grant from the Government. But if it is a taluk board, they will get one anna of the cess instead of a quarter-anna. Because there is no panchayat at all in that area, they will be entitled to all the one anna in the rupee, leaving only the balance of half-anna to the district board. I think, Sir, the Government are introducing rather a dangerous general innovation in this Act in order to satisfy the peculiar need of the European community in the single area of Anamalais. I should not have objected very much if the Government had brought in a special Bill and wanted the Anamalais to be made a taluk board. But under the cover of meeting the European demand the Government are making a dangerous change, which may be fraught with disastrous results. If I may say so from experience, if a district board president finds a taluk board president rather a powerful enemy to deal with, the device he will have to resort to is to apply to the Government to add to or to take away something from the area of the taluk board. The result is that the whole taluk board machinery will be disorganized. I should say that Government should not lend themselves to plans of that sort. The important consideration in passing a Bill of this kind, from the point of view of many of us, is that the Government are deliberately placing themselves above all those inconveniences which they have hitherto

[Mr. A. Ranganatha Mudaliyar] [24th February 1930]

found difficult to deal with, requests by one party or another for favours of various sorts. Now, by introducing a provision of this sort, I think they are defeating the very purpose of this Bill. I should therefore ask the hon. Minister if he could see his way to delete this amendment altogether. But, if he does not do so, then, I think that the taluk board concerned also should be consulted and its consent obtained before any part which is at present within its area is constituted into a separate taluk. Further, I should say that that proposal should be placed not only on the table of this House but it should be subject to the definite approval of this Council. Without these safeguards, I should say, we would be entrusting the Government with very dangerous powers, and they themselves would regret this provision which is found to give them serious trouble. So, I have given notice of an amendment to you, Sir, that in the proposed sub-section (3) (c) the words 'and the taluk board if any concerned' be added after the words 'the consent of the district board' so that the consent of the taluk board may be obtained before the issue of the notification. Also, towards the end of sub-section (4), I want to add the words 'and shall be subject to the approval of the Legislative Council.' I shall move the amendments one after another if you will allow me, Sir."

The hon. the PRESIDENT:—"For the present, the hon. Member will move his first amendment."

MR. A. RANGANATHA MUDALIYAR:—"I move

That in sub-section (3) (c) after the words 'the consent of the district board', the words 'and taluk board if any concerned' be inserted."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

* The hon. Dr. P. SUBBARAYAN:—"Mr. President, I am not willing to give up this amendment, which my hon. Friend, Mr. Ranganatha Mudaliyar has made, because I think the main amendment is quite necessary, which is not merely made from the planters' point of view, as Mr. Ranganatha Mudaliyar seems to imagine. There are cases in other areas where no planters are concerned, where it may be necessary to have two taluk boards for one taluk, especially in areas where the cesses are heavy. Mr. Ranganatha Mudaliyar perhaps thinks of districts like his where the cases are so low and where it will be impossible sometimes even to have one taluk constituted into a taluk board. But there are cases in the deltaic districts and in Tanjore where it may be necessary with the growth of panchayats to have more than one taluk board for a taluk. In the circumstances, I am willing to accept his amendment because his fear seems to be that the district board and the Government may try to ride over the wishes of the area concerned and constitute it into a taluk board where the taluk board concerned is not in favour of such a move being made. Therefore I will accept that amendment, to obtain the consent of the taluk board also as a necessary requisite for the bifurcation being made. But, I would also like to mention to him that when this is done it is not necessary to get the approval of the Legislative Council because once the district board and the taluk board have agreed to the bifurcation which the Government may propose, it ought to be a safeguard against the risks that my hon. Friend thinks they will be running by a bifurcation. So, I would request him not to move the other amendment."

24th February 1930]

The hon. the PRESIDENT :—" The question is—

In the amendment of the hon. Dr. P. Subbarayan, in sub-clause (c) of sub-section (3), for the words 'the district board', substitute the words 'the district board and the taluk board if any concerned'."

The amendment was adopted.

Mr. A. Ranganatha Mudaliyar did not move his other amendment.

The hon. the PRESIDENT :—" I will now put the amendment as amended by the House."

The amended amendment was also adopted.

Section 5.

Sub-section (1).

The hon. the PRESIDENT :—" The question is—

Substitute the following for sub-section (1) of section 5 :—

'(1) The Local Government may, by notification, published in the prescribed manner, declare any part of a revenue taluk to be a village for the purposes of this Act and specify the name of the village'."

The amendment was adopted.

Sub-section 2 (b).

The hon. the PRESIDENT :—" The question is—

After the word 'taluk' at the end, add the word 'or'."

The amendment was adopted.

Clause 5.

Sub-clause (ii).

Section 6 (2)—Proviso.

The hon. the PRESIDENT :—" The question is—

For sub-clause (ii) substitute the following sub-clause, namely :—

(ii) For the proviso to sub-section (2) the following provisos shall be substituted, namely :—

'Provided that where there is no taluk board in any part of a district, the district board shall exercise the powers, discharge the duties, perform the functions and be credited with the receipts and debited with the charges of the taluk board, and the president of the district board shall exercise the powers, discharge the duties and perform the functions of the president of the taluk board, in such part of the district.

Provided further that where there is no panchayat in any part of a taluk, the taluk board shall exercise the powers, discharge the duties, perform the functions and be credited with the receipts and debited with the charges of the panchayat, and the president of the taluk board shall exercise the powers, discharge the duties and perform the functions of the president of the panchayat, in such part of the taluk'."

[24th February 1930]

Diwān Bahadur S. KUMARASWAMI REDDIYAR :—"With regard to this amendment, Sir, I should say that the Bill as it was passed at the second reading contained a provision to the effect that where there was no panchayat in any part of a taluk the taluk board shall exercise the functions of a panchayat in that area. I do not find the provision here. Perhaps it was left out by inadvertence. I am referring to it because this provision was contained even in the original Act of 1920."

The hon. Dr. P. SUBBARAYAN :—"It was an inadvertent omission."

The amendment was adopted.

Clause 7.

Section 8.

The hon. the PRESIDENT :—"The question is—

For the word and figures 'Chapter IV', substitute the words 'this Act'."

The amendment was adopted.

Section 9.

Sub-section (7).

The hon. the PRESIDENT :—"The question is—

In line 5, before the word 'board', insert the word 'local'."

The amendment was adopted.

Clause 12.

Section 15.

The hon. the PRESIDENT :—"The question is—

(a) *In clause (a) of sub-section (1), in line 2, before the word 'board', insert the word 'local'.*

(b) *Renumber clause 12 as sub-clause (1) of clause 12 and to the clause as renumbered, add the following sub-clause, namely,—*

(2) In the same section, in sub-section (3) as renumbered, the words "or re-appointment" shall be omitted'."

The amendment was adopted.

Clause 13-A.

The hon. the PRESIDENT :—"The question is—

After the word 'omitted' at the end, add the following, namely :—

and for the words 'in the same manner as his predecessor was elected', the words 'in the manner laid down in this Act' shall be substituted."

The amendment was adopted.

Clause 17.

Section 22-A.

Sub-section (2).

The hon. the PRESIDENT :—"The question is—

For sub-section (2), substitute the following sub-section, namely :—

(2) (a) When the office of president of a district board is vacant and there is either a vacancy in the office of vice-president or the

24th February 1930]

[The President]

vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the district collector shall convene a meeting for the election of a president and until a new president or vice-president is elected and assumes office or the vice-president returns to jurisdiction or recovers from his incapacity, as the case may be, the district collector shall, notwithstanding anything contained in this Act or in the rules or notifications issued thereunder, be ex-officio member and president of the district board.

- (b) *When the office of president of a taluk board or panchayat is vacant and there is either a vacancy in the office of vice-president or the vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, a member of the taluk board appointed by the president of the district board or a member of the panchayat appointed by the president of the taluk board, as the case may be, shall convene a meeting for the election of a president and until a new president or vice-president is elected and assumes office or the vice-president returns to jurisdiction or recovers from his incapacity, as the case may be, the member so appointed shall exercise the functions of the president of the taluk board or panchayat."*

The amendment was adopted.

The hon. the PRESIDENT :—"The question is—

After sub-section (3), insert the following sub-section, namely :—

- (4) *The person appointed to exercise the functions of the president of a taluk board or panchayat under clause (b) of sub-section (2) shall, for the period during which he exercises such functions, be styled 'temporary president' of the taluk board or panchayat, as the case may be."*

The amendment was adopted.

Clause 18.

Section 23.

Sub-section (2).

The hon. the PRESIDENT :—"The question is—

In line 3, omit the words 'if he'."

The amendment was adopted.

Sub-section (3).

Proviso (iii).

The hon. the PRESIDENT :—"The question is—

In the last line, for the word 'respectively' substitute the words 'as the case may be'."

The amendment was adopted.

[24th February 1930]

Clause 23.

New section 30 (3).

The hon. the PRESIDENT :—"The question is—

In line 3, for the words 'provided by' substitute the words 'referred to in'."

The amendment was adopted.

Clause 30.

Section 37-C.

The hon. the PRESIDENT :—"The question is—

In clause (c), in line 2, before the word 'information', insert the word 'any'."

The amendment was adopted.

Clause 31.

Section 38.

Sub-section (2).

The hon. the PRESIDENT :—"The question is—

In line 2, for the words and letters 'on grounds (a) or (b)', substitute the words and letters 'on any of the grounds referred to in clauses (a) and (b)'."

The amendment was adopted.

Sub-section (3).

The hon. the PRESIDENT :—"The question is—

In lines 2 and 3, for the words, letter and figures 'in any of the cases falling under clause (c) of sub-section (1) (ii)', substitute the words letter and figure 'on any of the grounds referred to in clause (c) of sub-section (1)'."

The amendment was adopted.

Clause 36.

Section 44 (4).

The hon. the PRESIDENT :—"The question is—

*(a) In clause (a), omit the words 'as such' occurring at the end.**(b) In clause (b), omit the words 'as the case may be' and also the words 'as such' occurring at the end'."*

The amendment was adopted.

Clause 37.

Section 45.

Sub-clause (i).

Sub-section (1).

The hon. the PRESIDENT :—"The question is—

For the words 'and fix the time within which the board shall be reconstituted' substitute the sentence 'The notification shall specify the time within which the board shall be reconstituted'."

The amendment was adopted.

24th February 1930]

Sub-section (1-A).

The hon. the PRESIDENT :—" The question is—

In the penultimate line, for the words 'or objections', substitute the words 'and objections'."

The amendment was adopted.

Sub-clause (ii).

The hon. the PRESIDENT :—" The question is—

(i) In line 4, omit the first word 'and.'

(ii) In line 7, omit the last word 'and.'"

The amendment was adopted.

Clause 38.

Section 45-A (4).

The hon. the PRESIDENT :—" The question is—

For the words commencing with 'exclude the area' and ending with the figure '5', substitute the words and figure 'exclude the area of the panchayat from the operation of this Act or cancel the notification issued under section 5 declaring such area to be a village'."

The amendment was adopted.

Section 45-B.

The hon. the PRESIDENT :—" The question is—

For section 45-B, substitute the following section, namely—

'45-B When a local board is dissolved under section 45 or a panchayat is superseded under section 45-A, the Local Government, until the date of the reconstitution thereof and the reconstituted board or panchayat thereafter, shall be entitled to all the assets and be subject to all the liabilities of the board or panchayat as on the date of dissolution or supersession and on the date of the reconstitution respectively.'"

The amendment was adopted.

Clause 40.

Section 47.

Sub-section (5).

The hon. the PRESIDENT :—" The question is—

(a) In line 2, after the words 'when a new circle is formed' insert the words 'or when an existing circle is abolished.'

(b) In clause (a) in line 1, omit the word 'elected.'"

The amendment was adopted.

[24th February 1930]

Clause 41.

Section 48.

Sub-section (5).

The hon. the PRESIDENT :—"The question is—

- (a) *In line 2, after the words 'when a new circle is formed' insert the words 'or when an existing circle is abolished.'*
- (b) *In clause (a), in line 1, omit the word 'elected.'*"

The amendment was adopted.

Clause 42.

Section 49.

Sub-section (1).

The hon. the PRESIDENT :—"The question is—

- In line 3, after the word 'notification' insert the words 'published in the prescribed manner.'*"

The amendment was adopted.

Sub-section (2).

The hon. the PRESIDENT :—"The question is—

- In line 4, after the word 'notified' insert the words 'in the prescribed manner.'*"

The amendment was adopted.

Sub-section (5).

The hon. the PRESIDENT :—"The question is—

- (1) *In line 2, after the words 'when a new ward is formed' insert the words 'or when an existing ward is abolished.'*
- (2) *In clause (a), in line 1, omit the word 'elected.'*"

The amendment was adopted.

Clause 41.

Section 51.

Sub-clause (ii).

New sub-section (3).

The hon. the PRESIDENT :—"The question is—

- (i) *In line 4, for the words 'village shall' substitute the words 'pan-chayat shall.'*
- (ii) *In line 5, delete the word 'and' occurring at the end."*

The amendment was adopted.

Sub-clause (iii).

The hon. the PRESIDENT :—"The question is—

- (i) *In line 2 of the proposed addition omit the words 'from year to year.'*

- (ii) *At the end of the sub-clause, insert the word 'and.'*

After sub-clause (iii), add the following sub-clause, namely :—

- (iv) *In sub-section (5) as renumbered, for the words 'final electoral roll published under this section' the words 'electoral roll as so revised' shall be substituted."*

The amendment was adopted.

24th February 1930]

Clause 45.

Sub-clause (iii).

The hon. the PRESIDENT :—"The question is—

For new clauses (c) and (d) substitute the following clauses, namely :—

'(c) he possesses one or more of the qualifications described in Schedule III;

(d) in the case of a district or taluk board, he has resided for one hundred and twenty days in the aggregate in such preceding year in the district or taluk or in a municipality (including the City of Madras) or Cantonment, situated within three miles of the district or taluk :

Provided that in the case of persons whose sole residential qualification consists in their residence in any such municipality or cantonment, their being assessed to a tax payable to a municipal or cantonment authority shall not be deemed to be a qualification within the meaning of this clause; and

(e) in the case of a panchayat, he has resided in the village for one hundred and twenty days in the aggregate in such preceding year.'"

The amendment was adopted.

Clause 47.

Section 54.

Sub-section (2).

The hon. the PRESIDENT :—"The question is—

In lines 2 and 3, omit the words 'and no honorary magistrate exercising jurisdiction therein' and after the words 'qualified for election' insert the words 'or for holding office'."

* Mr. A. RANGANATHA MUDALIYAR :—"Sir, I beg to move the following amendment :—

In lines 2 and 3, substitute the words 'the village officer' for 'the village headman' and, after the words 'qualified for election' insert the words 'or for holding office.'

"Sir, my object is plain. When we were discussing the Municipal Bill, you would have known that, as the village officers and karnams were labouring under a disability so far as their right to stand for election is concerned, the Select Committee as also the Council came to the right conclusion that, so far as the village officers are concerned, be they village headmen or village accountants, they should be placed more or less on the same footing in regard to their privileges and rights to stand for election to the local bodies. So, Sir, an amendment was carried in the Municipal Act to the effect that no officer of Government other than the village officer and no honorary magistrate exercising jurisdiction in the municipal town would be qualified for election, etc. I say that a similar amendment should be carried in regard to this Bill also. I am not quite clear how such a provision was not made in this Bill. I think it is a matter of honour that so far as these officers are concerned, no invidious distinction should be made between them and that

[Mr. A. Ranganatha Mudaliyar] [24th February 1930]

whatever decision we have come to in regard to these officers in connexion with the Municipal Act should be adopted in regard to the Local Boards Act also.

"Sir, I am just coming from one of the district conferences and I found that one of the reasons adduced by those who are acquainted with village life for the factions existing in the villages is the anomalous position given to these people by the Government themselves, treating one person different from the other and so setting them up by the ears to quarrel with each other. The result of this is disharmony in the villages.

"Sir, if the village panchayats are to work satisfactorily in the villages it is very important that the village accountant and the village headman should work harmoniously as one. They should not feel that the one is being favoured at the expense of the other. They should feel that they are treated alike by the Government in all respects. Therefore, I say, Sir, that if our panchayats are to work satisfactorily and well, we must remove this distinction and allow the karnams also to stand for election to the local bodies just as the village headmen are allowed. It is very necessary to adopt in this Act the provisions which we have adopted in the Municipal Bill. I believe that it is due to oversight that a similar provision was not made here and that it is by mere inadvertence that this provision has been allowed to remain as it is in the draft."

MR. R. NAGAN GOWDA :—"I wish to second this amendment of my hon. Friend from Bellary and, in doing so, I wish to state that an amendment of this kind is more necessary in this Bill than in the Municipal Bill. As this Bill deals with village panchayats it is important that we should have the co-operation of the village headmen and karnams. If any invidious distinction like this is allowed to remain in the Act, there is likely to be a considerable amount of friction in working the village panchayats. The village accountants would very likely take into their heads to obstruct the smooth working of the panchayats. At one of the conferences recently held, it may be noted, the village headmen have agreed to the grant of this privilege to the karnams."

* THE HON. DR. P. SUBBARAYAN :—"Sir, I am not sure how this distinction happened to be made. I think it was due to the fact that in the old Local Boards Act this distinction between the headman and the karnam occurs. In the Municipal Act the karnam is allowed to stand, but in the Local Boards Act he is not allowed to stand. I would rather that we copy the language as it is, because, both are officials and it is better to restrict the official element as much as possible. I would therefore request my hon. Friend to withdraw the motion."

Diwan Bahadur S. KUMARASWAMI REDDIYAR :—"Sir, in the District Municipalities Act of 1920, the words used were 'village officer'. There was no disqualification attached to any village officer whether a karnam or a headman. But in the Local Boards Act of 1920, the words used were 'village headman'. So, a distinction was sought to be made in these Acts, in respect of the exemption of village officers. In one case it was sought to exempt only village headmen while in the other case it was sought to exempt both the village headman and the karnam. The Select Committee decided to disqualify all village officers under both the Bills and, only when it came to

24th February 1930] [Mr. S. Kumaraswami Reddiyar]

the Council, amendments with regard to both these Bills were moved by Messrs. Muniswami Nayudu and Ratnasabhapati Mudaliyar and myself. In the case of the District Municipalities Bill the amendment that we moved was to the effect that the village officers are not to be disqualified and that was accepted by the Council. In the case of the Local Boards Bill the amendment that we gave notice of was to the effect that no officers of Government other than the village headmen shall be qualified for election to the local boards. We simply copied the language as it stood in the Local Boards Act of 1920. That amendment was accepted by the House and is found embodied in the Bill that has been published. I do not see any necessity for going back upon the decision taken by the House at the time of the second reading. And there is also the further provision in the proviso that Government servants who are not whole-time servants are not disqualified at all. If a karnam is regarded as only a part-time servant of the Government, then it will be open to him to stand and it will be for the Government to say whether a karnam is a whole-time servant or only a part-time servant. I think it will be best to leave the section as it is rather than go back upon the decision of the Council made at the second reading stage.

“Sir, it is unnecessary for me to point out that conditions existing in 3-15 rural areas and conditions existing in urban areas are not exactly the same. While in the case of urban areas there may not be any fear of the karnam being able to substantially influence the voters, such a fear may be legitimately entertained in the case of the rural population, and that I take was the reason for this distinction being made in the two Bills with regard to disqualifying the village karnams. I therefore oppose the amendment of my hon. Friend, Mr. Ranganatha Mudaliyar, and would request the Council to retain the section as it was when it was passed in the second reading.”

Mr. P. SIVA RAO:—“I have carefully listened to the debate and controversy between Messrs. Ranganatha Mudaliyar and Kumaraswami Reddiyar and I cannot make out for a moment the reason for the invidious distinction that has been drawn between the village headman and the village karnam. The only reason and the most convincing reason according to my hon. Friend from Tinnevely was that they have this distinction in the present Act and that therefore they may repeat the same mistake in this Bill also. That is hardly an argument which is convincing. We have undertaken the revision of the provisions of the Local Boards Act and there has been a great clamour on the part of the village karnams as to why they should be disqualified from standing for election for local boards while their compeers and comrades, the village headmen, are made eligible to stand as candidates for election. The principle that we are adopting in the case of District Municipalities Bill should apply as well to the case of local boards also. A distinction has been drawn between rural conditions and urban conditions. Again I say the reasons advanced in this respect are not convincing at all. We have enfranchised a class of village officers, and the reason for such enfranchisement is that they do not get a regular pay but only an honorarium. And the rule that prohibits Government servants from standing for election applies only to those cases where the Government servants are getting a regular pay. If this distinction should apply to village headmen I submit it must equally apply to village karnams. The karnam

[Mr. P. Siva Rao]

[24th February 1930]

is the most heavily worked officer and he ought not to be kept out from enjoying this privilege especially when we are conferring this privilege in the case of the District Municipalities Act. When you are conferring this privilege in the case of the District Municipalities Act, I think it is but fair that the same concession should be extended to the case of local boards also as otherwise we would be leaving a most useful class of Government servants to smart under a grievance."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"I rise to oppose the amendment. It is already known that village headmen command the greatest influence in the villages. Now my hon. Friend wants that the same concession which is given to the village headmen should be extended to the karnams also. If the village karnam is allowed to stand for election I am afraid that most of the local boards will be swamped by these officers, because they command all the influence. Local boards are supposed to be self-governing institutions and in the interests of future India unless these people who command such large influence are kept out I am afraid our real object will not be achieved. Because my hon. Friend happens to come from a village officers' conference which has passed a resolution in favour of the karnams also standing for election, that is no reason why these karnams should be added to the list of candidates who are eligible to stand for elections. In many districts through which I have been touring, I find that there is a feeling among my own community that these karnams carry a large amount of influence with them and so they should not be allowed to stand for election to these local boards. I therefore oppose the amendment."

MR. T. C. SRINIVASA AYYANGAR:—"I really see no reason to exempt village headmen and shut out karnams only from standing for election to local boards. In my part of the country there are village officers who combine the two functions or even three functions, such as the triune officers. Are they to be classed as headmen for the purposes of election or are they to be classed as village karnams? If we shut out these karnams from enjoying this privilege I am afraid it will create a considerable amount of heart-burning. Having allowed the village headman to enjoy this privilege I submit every other class of village officers must be allowed to stand for election. I support the amendment of Mr. Ranganatha Mudaliyar."

* MR. K. KRISHNAN:—"I oppose this amendment. So far as I know these village karnams are practically full-time officers of the Government and the salary they get is higher than the salary of the village headman. It naturally follows that they are full-timed Government servants and they have got onerous duties to perform. If you keep away such officers from their work, they will not be able to attend to their regular duties in the village such as the checking of survey stones and preparation of village accounts. They will have to devote their whole time to the local board work and I am sure this House will not be a party to any such proposal. Simply because we have allowed one class of village officers, namely, the village headmen, to enjoy this privilege that is no reason why we should allow the karnams also. If I had any voice in shaping this Bill, I would have put a ban on village headmen as well but I do not think that any Member of this House will be bold enough to come forward and vote with me. We have done one mistake; we should not perpetuate it by committing another mistake. I oppose the amendment."

24th February 1930]

* Diwan Bahadur B. MUNISWAMI NAYUDU :—“ With regard to the two Acts, viz., the District Municipalities Act and the Local Boards Act of 1920, while in the case of the former a village officer was allowed to stand for election, it was only the village headman and not the karnam, that was allowed to stand for election in the case of the latter Act. At that time, I think it is too well known, the question as to whether the village officers should be classed as honorary officers or whether they should be classed as full-time officers of Government was much debated upon. The House will be fully aware that there were deputations appearing before the Government for the increase of pay and prospects of these village officers in 1920. The office of karnam was considered to be a salaried office while that of the headman was considered as honorary, because you will see that while the pay of the karnams was increased to Rs. 15 (because he was considered a full-timed officer), that of the headman was fixed at Rs. 8 only. Therefore, it was that the village headman who was recognized to be receiving an honorarium was allowed to stand for election in the case of local boards, while the karnams were kept out. When the Government thought of reducing the pay of these officers they recognized this distinction, because you will see they continued to retain the pay of karnams at Rs. 15 but reduced the pay of monigars to Rs. 14. If there is to be no distinction between a headman and a karnam, we ought to have kept the salaries of both these officers the same. If there is to be no distinction between the two, the Government need not have considered the village headman as inferior to karnam in point of emoluments. If there is no distinction between the office of karnam and that of the village headman in that while the former is full-timed and the latter is honorary, we should not have village headmen in zamindari areas getting Rs. 4 and the karnams getting Rs. 8. In these circumstances I think the karnams have really no cause for complaint in Government allowing the village headmen to stand for election.

“ There is another and more cogent reason for not allowing the karnams to stand for elections in the case of local boards. With regard to the preparation of electoral rolls in municipalities the chairman is responsible for such preparation and he is the person entitled to decide as to who is eligible to vote. Whereas in regard to panchayats and unions it is the karnam that is responsible to get the rolls prepared, and he is the person who is to give the list of persons paying taxes. And therefore if you allow the karnams also to stand as candidates for election he may prepare the electoral rolls in such a way as would be very favourable to him. You will find in the case of Local Boards Act, Schedule IV relating to taxation rules reads thus :—

‘ The karnam of every village situated within the union shall on the requisition of the president of the union board, prepare and furnish to the president lists of all houses within the village or villages of which he is karnam and shall enter in the same the names of owners and occupiers of such houses.

‘ The karnam shall be entitled for the preparation of such lists to receive such remuneration (if any) as the union board may fix.’

“ So that, so far as the karnam is concerned, unlike as in the case of the District Municipalities Act, in the Local Boards Act he is given a definite duty and it is provided that he may receive such honorarium as may be fixed by the president of the union board. It stands to reason that a person who may be a member of the panchayat itself should not be asked to prepare the

[Mr. B. Muniswami Nayudu]

[24th February 1930]

electoral roll himself and at the same time enabled to stand for election to the local board, as it will be a case of conflict of interests. For these reasons I think a distinction between a village headman and a karnam is justifiable."

* Mr. A. RANGANATHA MUDALIYAR :—"I do not think that any of those who have followed and opposed me have really met my arguments. My hon. Friend Mr. Krishnan said that it would not be proper for us to take away the karnams from their legitimate work by allowing them to stand for election. Have village headmen no work? Are they not responsible for peace in the village and should they not see that all persons of bad character are reported to the authorities concerned? Have they not got scores of similar duties allotted to them? If they are allowed to go and sit in local boards, are they not sacrificing the duties allotted to them? As rules stand at present, the village karnams are allowed to stand for election to the Legislative Council. How is it they have been disqualified for standing as candidates for election only to local boards? I think the distinction has no basis at all. My hon. Friend Mr. Muniswami Nayudu said that the karnam is the man who prepared the electoral rolls and it would be a conflict of interests if he is allowed to prepare the electoral roll and at the same time allowed to stand as a candidate for election to the local boards? If there is such a fear, surely the karnams ought not to be penalized for that. Let the Government appoint another man specially for that purpose. Let my hon. Friend bring in an amending Bill to the effect that where one is responsible for the preparation of the electoral roll, he may not stand for election. My hon. Friend Mr. Muniswami Pillai said that I am influenced probably by the opinions expressed at some conference of village officers. I may assure him that there is no influence of that sort. The district conference was not a conference of village officers but it was one of the ryots of the district. I may say in this connexion that an honorary Assistant Registrar also explained very vividly how all the factions in most of the villages are brought about by the invidious distinction drawn between the village headmen and village karnams by the Government. In these circumstances I would commend my amendment to the acceptance of the House."

The hon. the PRESIDENT :—"The question is—"

In lines 2 and 3 substitute the words 'the village officer' for 'the village headman' and after the words 'qualified for election' insert the words 'or for holding office'."

The amendment was negatived.

The hon. the PRESIDENT :—"I now put the amendment of the hon. the Minister."

Mr. A. RANGANATHA MUDALIYAR :—"May I speak on the amendment?"

The hon. the PRESIDENT :—"Yes."

* Mr. A. RANGANATHA MUDALIYAR :—"I want to know why reference to honorary magistrates is sought to be omitted in this amendment."

The hon. the PRESIDENT :—"The question is—"

In lines 2 and 3, omit the words 'and no honorary magistrate exercising jurisdiction therein' and after the words 'qualified for election' insert the words 'or for holding office'."

The amendment was adopted.

24th February 1930]

Clause 48.

Sub-clause (ii) (a).

Section 55 (2) (a).

The hon. the PRESIDENT :—" The question is—

In line 2, before the word 'the', insert the words 'in the first place where they occur'."

The amendment was adopted.

Sub-clause (ii) (f).

Section 55 (2) (cc).

The hon. the PRESIDENT :—" The question is—

Omit the words 'has accepted employment' in line 2 and the words 'and the employment in either case is subsisting on the said date' in lines 3 and 4'."

The amendment was adopted.

Sub-clause (ii) (g).

Section 55 (2) (d).

The hon. the PRESIDENT :—" The question is—

For clause (g), substitute the following clause, namely :—

" (g) in clause (d) as so lettered, for the words 'for the local area over which the local board concerned has jurisdiction' the words 'with jurisdiction over any part of the area of the local board' shall be substituted'."

The amendment was adopted.

Sub-clause (ii) (i).

Section 55 (2) (f).

The hon. the PRESIDENT :—" The question is—

In line 3, for the words 'on the said date' substitute the words 'at the said date'."

The amendment was adopted.

Clause 49.

Sub-clause (i) (a).

Section 56 (1) (a).

The hon. the PRESIDENT :—" The question is—

For sub-clause (i) (a), substitute the following sub-clause, namely :—

(a) in clause (a) before the word 'court' the word 'criminal' and before the words 'as is described' the words 'and for such offence' shall be inserted'."

The amendment was adopted.

[24th February 1930]

Sub-clause (i) (d).

Section 56 (2) (e).

The hon. the PRESIDENT :—" The question is—

*For sub-clause (i) (d), substitute the following sub-clause, namely :—**(d) for clause (e), the following clause shall be substituted, namely—**(e) is appointed as an officer or servant under this Act or as an honorary magistrate with jurisdiction over any part of the area of the local board."*

The amendment was adopted.

Sub-clause (i) (e).

The hon. the PRESIDENT :—" The question is—

*Omit this sub-clause and reletter sub-clauses (f) and (g) as (e) and (f) respectively.**In clause (f) as relettered by the above amendment, for the Explanation to new clause (h), substitute the following Explanation, namely :—**Explanation.—In this clause, the expression 'ordinary meeting' shall not include a meeting held under sub-rule (2) of rule 3 or under rule 4 of Schedule II."*

The amendment was adopted.

Sub-clause (ii).

Section 56 (3).

The hon. the PRESIDENT :—" The question is—

*For sub-clause (ii), substitute the following sub-clause, namely :—**(ii) in sub-section (3)—**(a) after the words and figure 'of sub-section (1)', the words and figures 'or under section 59' shall be inserted;**(b) the words 'or appointed' in both the places where they occur shall be omitted; and**(c) for the words 'vacate the office' the words 'vacate office' shall be substituted; and"*

The amendment was adopted.

Clause 50.

Sub-clauses (i) and (ii).

Section 57 (1) and (2).

The hon. the PRESIDENT :—" The question is—

*For sub-clauses (i) and (ii), substitute the following sub-clauses, namely :—**(i) In sub-section (1)—**(a) the words 'or appointed' shall be omitted;*

24th February 1930]

[The President]

(b) for the words and figures 'under section 55 or section 56', the words and figures 'sub-section (1) of section 54, section 55, section 56 or section 59' shall be substituted; and

(c) after the words 'become disqualified for office', the words and figures 'under section 56 or section 59' shall be inserted;

(ii) in sub-section (2), for the words and figures 'section 55 or section 56' the words and figures 'sub-section (1) of section 54, section 55, section 56 or section 59' shall be substituted; and."

The amendment was adopted.

Clause 56.

Section 67.

The hon. the PRESIDENT:—"The question is—

(a) In sub-section (1), for the words 'local board officers and servants' substitute the words 'its officers and servants'.

(b) In the proviso to sub-section (2), in line 2, omit the word 'permanent' and for the expression 'Rs. 50' occurring in line 5 substitute the words 'fifty rupees'."

The amendment was adopted.

Clause 57.

Section 68.

Sub-section (4).

The hon. the PRESIDENT:—"The question is—

In the last line, before the words 'strength of the board' insert the word 'sanctioned'."

The amendment was adopted.

New clause 57-A.

The hon. the PRESIDENT:—"The question is—

After clause 57, insert the following clause, namely:—

57-A. In sub-section (1) of section 69 of the said Act for the words 'or district health officer', the words 'district health officer or district panchayat officer' shall be substituted."

The amendment was adopted.

Clause 59 (i).

Section 71 (1).

The hon. the PRESIDENT:—"The question is—

In line 5, for the words 'may have made' substitute the words 'may make'."

The amendment was adopted.

[24th February 1930]

Clause 60.

Section 72.

The hon. the PRESIDENT :—"The question is—"

In sub-clause (i), omit the word 'and' at the end, insert the word 'and' at the end of sub-clause (ii) and after sub-clause (ii) add the following sub-clause, namely :—

(iii) for the words 'or the district health officer' the words 'the district health officer or the district panchayat officer' shall be substituted'."

The amendment was adopted.

Clause 63.

Section 74-A.

Sub-section (2).

The hon. the PRESIDENT :—"The question is—"

In sub-section (2), for the words 'the Local Government shall have power to make rules regulating the classification' substitute the words and figures 'the Local Government shall have power, subject to the provisions of section 201A, to make rules to regulate the classification'."

The amendment was adopted.

Clause 64.

Sub-clause (i) (d).

Section 75 (1) Proviso.

The hon. the PRESIDENT :—"The question is—"

For the proviso, substitute the following proviso, namely :—

'Provided that nothing in this sub-section shall be deemed to enable a district board to levy a house-tax in any area in which, prior to the first day of April 1930, a house-tax was not levied in pursuance of a resolution of the district board under this sub-section.'"

The amendment was adopted.

Sub-clause (iii) (b).

Section 75 (3) (b).

The hon. the PRESIDENT :—"The question is—"

In line 1, before the word 'for' insert the words 'after the words 'any resolution' the words 'of the district board' shall be inserted and'."

The amendment was adopted.

Sub-clause (iv).

Section 75 (4).

The hon. the PRESIDENT :—"The question is—"

Substitute—

(i) in line 1, for the words and figure 'any resolution under sub-section (1)' the words and figures 'a resolution under sub-section (1) or a notification under sub-section (2)' ;

24th February 1930]

[The President]

(ii) for the words 'such resolution' the words 'such resolution or notification'; and

(iii) for the words 'district board' at the end the words 'district board or panchayat, as the case may be'."

The amendment was adopted.

Clause 65 (ii).

Section 76.

The hon. the PRESIDENT:—"The question is—

In line 3, for the words 'notified station' substitute the words 'and figures' station notified under section 110'."

The amendment was adopted.

Clause 66.

Section 77 (1) (a).

The hon. the PRESIDENT:—"The question is—

In line 3, before the figures '76' insert the word 'section'."

The amendment was adopted.

Clause 68 (i).

Section 79.

The hon. the PRESIDENT:—"The question is—

For this sub-clause substitute the following sub-clause, viz.—

(i) for the opening paragraph beginning with the words 'If the president of the district board notifies' and ending with the words 'calculated in the following manner', the following paragraph shall be substituted, namely:—

'The annual rent value shall, for the purposes of section 78, be calculated in the following manner.'"

The amendment was adopted.

Clause 69.

The hon. the PRESIDENT:—"The question is—

For this clause, substitute the following clause, namely—

69. For section 80 of the said Act, the following section shall be substituted, namely:—

80. (1) The district collector may, by notification or otherwise, require every landholder being a proprietor of an estate falling under clause (a), (b) or (c) of the definition of 'estate' in the Madras Proprietary Estates' Village Service Act, 1894, and every sub-landholder, within the district, to furnish him with an accurate list of the lands held by him, whether occupied by tenants or by himself, specifying the particulars referred to in sub-section (2).

[The President]

[24th February 1930]

- (2) (a) *The list furnished by a landholder under sub-section (1) shall specify :—*
- (i) *in the case of lands held by a sub-landholder under him, the kattubadi, jodi, poruppu or quit-rent payable to him by such sub-landholder ; and*
 - (ii) *in the case of any other lands occupied by the landholder, the annual rent value thereof exclusive of the water-rate, if any, payable by his tenants direct to Government.*
- (b) *The list furnished by the sub-landholder under sub-section (1) shall specify the annual rent value of the lands occupied by him, exclusive of the water rate, if any, payable by his tenant direct to Government.*
- (3) *When two or more persons hold a revenue village or villages jointly, the landholder or sub-landholder shall, for the purpose of sub-sections (1) and (2), be the person who is recognized by the other joint holders as the senior joint holder or who, in case of dispute, is recognized by the District Collector as such'."*

The amendment was adopted.

Clause 77.

Section 88.

The hon. the PRESIDENT :—" The question is—

For this clause, substitute the following clause, namely :—

77. *For section 88 of the said Act, the following section shall be substituted, namely :—*

‘ 38. *Every landholder and sub-landholder shall pay to the District Collector or other officer empowered by him to receive it, the land cess due in respect of lands held by him exclusive of the amount of such cess, if any, payable by the sub-landholder or landholder as the case may be and by the tenant on or before such dates and in such instalments as the District Collector under the general orders of the Board of Revenue may, by notification, declare. And if such lands be occupied by a tenant paying water-rate direct to Government such tenant shall pay to the District Collector together with the water-rate the land cess due on the amount of such water-rate ;*

Provided that in all cases where a person holds lands with or without a right of occupancy as an intermediate landholder on an under-tenure created, continued or recognized by a landholder or sub-landholder, it shall be lawful for the landholder or sub-landholder, to recover from such intermediate landholder the whole of the cess paid by the landholder or sub-landholder in respect of lands held by such intermediate landholder less one-half the cess assessable on the amount of any kattubadi, jodi, poruppu or quit-rent payable by such intermediate landholder to the landholder or sub-landholder.

24th February 1930]

[The President]

Provided also that in the case of lands occupied by tenants, it shall be lawful for the landholder, sub-landholder or any other intermediate landholder, as the case may be, to recover from his tenant one-half of the amount payable by such landholder, sub-landholder or intermediate landholder in respect of the lands so occupied.' "

The amendment was adopted.

Clause 78 (2).

Explanation to section 88.

The hon. the PRESIDENT :—" The question is—

For clause 78 (2), substitute the following clause, namely :—

(2) To the same section the following explanation shall be added namely :—

' Explanation.—A landholder or sub-landholder shall, in recovering the amount due to him under the first proviso to section 88 from the intermediate landholder referred to therein, be entitled to exercise the powers and be subject to the penalties specified in this section, as if the intermediate landholder were a ryot with whom a patta and muchilka had been exchanged and the provisions of the Madras Estates Land Act, 1908, shall so far as may be, be applicable thereto.' "

The amendment was adopted.

Clauses 82 to 85.

Section 93 (1).

The hon. the PRESIDENT :—" The question is—

In line 5, before the word and figure ' sub-section (1) ', insert the words and letter ' clause (b) of '."

The amendment was adopted.

The hon. the PRESIDENT :—" The question is—

In line 2, after the word ' Act ', insert the words and figures ' and the heading occurring before section 95 '."

The amendment was adopted.

Section 93 (3).

The hon. the PRESIDENT :—" The question is—

In line 11, after the word ' business ' insert the words ' exercise of profession, art or calling.' "

The amendment was adopted.

Section 93 (4).

The hon. the PRESIDENT :—" The question is—

(a) In line 5, for the words ' another local authority ' substitute the words ' any other local authority or authorities '.

(b) In line 7, for the word ' either ' substitute the word ' any '."

The amendment was adopted.

[24th February 1930]

Section 94 (1).

The hon. the PRESIDENT :—" The question is—

Omit the word 'concerned' at the end "

The amendment was adopted.

Section 94-A (1).

The hon. the PRESIDENT :—" The question is—

In line 4, for the word 'within' substitute the word 'in'."

The amendment was adopted.

Clause 87.

Section 97.

The hon. the PRESIDENT :—" The question is—

In line 1, for the word 'to' substitute the word 'of'."

The amendment was adopted.

Clause 88.

Section 98.

The hon. the PRESIDENT :—" The question is—

In line 1, for the words 'a district board resolves' substitute the words 'the district board by a resolution determines' and in line 4 after the word 'under' insert the words and letter 'clause (b) of'."

The amendment was adopted.

Clause 89.

Section 99.

The hon. the PRESIDENT :—" The question is—

Sub-clause (i).

*In line 5, for the words 'sheltering animals or the destitute' substitute the words 'sheltering the destitute or animals'."**In the penultimate line for the words 'for residential purposes or as a public office' substitute the words 'as residential quarters or as public offices'."*

Sub-clause (ii).

*In line 1, before the word 'after', insert the words and letter 'in clause (b)' and omit the word 'add'."**In line 4, add the words 'shall be added; and' at the end."*

Sub-clause (iii).

For the words 'residential quarters attached to schools, colleges, hospitals, dispensaries and libraries' substitute the words 'residential quarters attached to schools and colleges not being hostels or to residential quarters attached to hospitals, dispensaries and libraries'."

The amendments were adopted.

24th February 1930]

Clause 90.

Section 100.

The hon. the PRESIDENT :—" The question is—

In line 1, for the words and figures 'tax imposed under section 98' substitute the word 'house-tax'."

The amendment was adopted.

Clause 96 (i) (b).

Section 104 (1).

The hon. the PRESIDENT :—" The question is—

In line 2, before the word 'sub-section' insert the words and letter 'clause (b) of'."

The amendment was adopted.

Clause 96 (iii) (f).

Section 104 (3).

The hon. the PRESIDENT :—" The question is—

In line 2, before the word 'servants' occurring at the end insert the words 'officers and'."

The amendment was adopted.

Clause 97 (i) (a).

Section 106 (1).

The hon. Dr. P. SUBBARAYAN :—" Sir, a slight modification has to be made in amendment No. 74. The word 'toll-gates' at the end of the amendment should be 'toll-bars'."

The hon. the PRESIDENT :—" The question is—

In line 1, before the word 'toll-bars' insert the words 'shall construct' and in line 2, for the word 'toll-stations' substitute the words 'shall construct toll-stations and may construct toll-bars'."

The amendment was adopted.

Clause 97 (i) (b).

Section 106, 2nd proviso.

The hon. the PRESIDENT :—" The question is—

In the fourth line, after the words 'another toll-station' insert the words 'whether in the same district or not'."

*The hon. Dr. P. SUBBARAYAN :—" Sir, the provision as it stands may not relate to any toll-gates in any other district. What was intended, as far as I understood the Select Committee, was that a district board should not open a toll-station within 20 miles from another toll-station whether opened by it or by any other district board. This fact is brought out clearly by this amendment."

[24th February 1930]

MR. A. RANGANATHA MUDALIYAR :—"Sir, I should like to have some information about the check and subsidiary gates attached to toll-gates. I should like to know whether they can have subsidiary gate or check gate beyond 2 or 4 furlongs but within 20 miles from an existing toll-gate. Is there any limit at all within which only, these gates may be opened? I think, Sir, that, in order to prevent carts branching away from the main road within a distance of 4 furlongs from the toll-gate and thereby avoiding the payment of tolls, it is open to the local board to have a check gate. As a matter of fact there are subsidiary gates at a distance of 4, 5 or 7 miles from a main toll-gate. In that manner they are compelling carts to pay tolls at subsidiary gates, while they would have had to pay nothing at all, if only the main gate existed. I should like to know what the hon. Minister has to say with regard to the establishment of such subsidiary or check gates at a distance of 4, 5 or 6 miles from main toll-gates."

3-45
P.M.

* The hon. Dr. P. SUBBARAYAN :—"Mr. President, Sir, the question of subsidiary gates has not been dealt with by this amendment. I am sure that my hon. friend Mr. Ranganatha Mudaliyar will remember that what was dealt with was that the district boards concerned should not construct toll-gates within 20 miles of another toll-gate. As a matter of fact, there are some districts where toll-gates have been opened within a distance of 10 miles and in order to prevent the opening of such gates, after the passing of this measure, it is proposed to make a statutory provision; hence the amendment."

MR. A. RANGANATHA MUDALIYAR :—"This Bill of course prevents another toll-gate being opened within a distance of 20 miles. But, what I want is that the district boards may open check gates."

DIWAN BAHADUR S. KUMARASWAMI REDDIYAR :—"Sir, I do not think that it was the intention of the Council when it passed that proviso, that one district board should be responsible for the action of another district board. Now, if this amendment is accepted, it would mean that if a district board has opened on its boundary a toll-gate, then within 20 miles of the area of another district board, no toll-gate will be opened at all. The amendment will no doubt carry out the idea as now put forward by my hon. Friend Mr. Ranganatha Mudaliyar, but not as accepted by the Council when it passed the Bill. It was not the idea of the Council that if one district board has established a toll-station, another should not be opened within the boundary of another district board within 20 miles. That would seriously affect the revenues of a district board. When the Bill for the abolition of tolls is to be passed—it is expected by those who are responsible for such a Bill that it would soon be passed—all toll-gates will go. In the meanwhile I do not think that any such restriction ought to be placed, now, against one district board opening a toll-station, because another district board has chosen to open a toll-station within 20 miles."

MR. R. NAGAN GOWDA :—"Sir, I believe, the objection raised by my hon. Friend . . ."

THE hon. the PRESIDENT :—"I think, it is better to know the facts, before the matter is argued. Under the old Act that was in force prior to the year 1920, there was no provision as to the limit of 20 miles. Government

24th February 1930]

[The President]

made a rule that no toll-gate should be opened within another district board toll-gate within 20 miles without the sanction of Government. I believe the intention of the Government is to reduce that rule into a section in the present Act. Under the Old Act, if a check gate were opened within another gate, there was always the practice of obtaining the sanction of Government. If this amendment is adopted, I think, the necessity of obtaining the sanction of the Government to open a check gate, will arise. That is my construction of the new proviso. As between two district board gates, the old rule was that when one district board wanted to open a gate within 20 miles of another district board toll-gate, there was always the necessity of obtaining the sanction of the Government. I think, even if the proviso is left as it is, this necessity will arise. In order to make the matter more clear, this amendment has been proposed."

* Diwan Bahadur B. MUNISWAMI NAYUDU :—"Sir, I think the proviso provides for two different cases. In cases where there are gates within short distance of each other, the Government have the power to say which district board shall be in charge of particular gates and how much of the revenue realized shall be paid to another neighbouring local authority. The second proviso provides that the new gates opened after the passing of this Amending Bill, shall not be within 20 miles. The amendment of the hon. Minister makes it plain that there shall be no toll-station opened hereafter within 20 miles, irrespective of the fact whether it is in the same district board or the neighbouring one. The real intention is that there should be no toll-gate within 20 miles, and I think this amendment brings out the intention of the Legislative Council in the first instance. I think this will apply only to cases of toll-stations to be opened hereafter, but in the case of existing gates, I think they will continue to exist as they are."

Mr. T. C. SRINIVASA AYYANGAR :—"Sir, I think that is a provision which is favourable to us. There are certain districts which borrow headquarters, for instance, the Ramnad district but are different entities for tolls. For example, if one has to go from Tanjore to Madura, though the journey can be performed within 1½ hours, one has to pass through a native state and three districts and has to pay plenty of tolls. Let there be, therefore, at least one statutory provision so that within 20 miles, another new gate shall not be opened. At present, toll-gates can be seen located even within every six or seven miles, and there is always the conflict of jurisdiction. So, let there be a provision in this Act which will put an end to this."

The hon. the PRESIDENT :—"I shall now put the amendment to the vote of the House. The question is :—

In the fourth line, after the words 'another toll station', insert the words 'whether in the same district or not.'"

The amendment was adopted.

Clause 100.

Section 109 (2)

The hon. the PRESIDENT :—"The question is—

In line 2, before the words 'refuse to permit' insert the words 'resist or.'"

The amendment was adopted.

[24th February 1930]

Clause 101.

Section 110.

Sub-section (3).

The hon. the PRESIDENT :—"I will put the amendment in a slightly altered form, namely :

In line 1, for the word ' resolves ' substitute the words ' by a resolution determines ' and in line 4, before the word and figures. "section 77 ' insert the words, letter and figure ' clause (b) of sub-section (1) of '.

The amendment was adopted.

Clause 103.

Section 112.

The hon. the PRESIDENT :—"The question is—

In line 1, omit the words and figure ' sub-section (1) of '."

The amendment was adopted.

Clause 105-A.

Section 114-A.

The hon. the PRESIDENT :—"The question is—

(a) Sub-section (2) (a)—

For the words ' collected in the district every year ' substitute the words and figures ' levied in the district under section 78 '.

(b) *For the words ' granted by the Local Government as contribution towards the fund ' substitute the words ' contributed by the Local Government thereto '.*

(c) Sub-section (2) (c)—

For the words ' sums of money which may be received for the purposes of the fund ' substitute ' sums which may be received for the purposes thereof '.

(d) Sub-section (3)—

In lines 3 and 4, for the words ' credited to the Village Development Fund of the district ' substitute the words ' shall be credited to its Village Development Fund '.

(e) Sub-section (5)—

In lines 1 and 2, omit the words ' for these purposes '.

In line 4, before the words ' the presidents of the taluk boards ' insert the word ' of '.

In line 5, before the words ' president of the district board ' insert the words ' person exercising the functions of the '.

(f) Sub-section (6)—

For the words ' such person as the committee may authorize to sign on his behalf ' substitute the words ' by some person duly authorized in that behalf by him '.

24th February 1930]

[The President]

(g) Sub-section (7)—

Substitute the following for this sub-section, namely:—

‘(7) The committee shall, in each year, not later than such date as may be fixed under sub-section (1) of section 117 for the submission by the district board of the consolidated budget, submit to the local Government a statement showing the probable receipts and expenditure of the Fund for the following year.’

(h) Sub-section (8)—

Substitute the following for this sub-section, namely:—

‘(8) The accounts of the Fund shall be audited along with and in the same manner as the accounts of the district board and all the provisions of this Act or of any rules made thereunder which apply to the audit of the accounts of the district board shall mutatis mutandis apply to the audit of the accounts of the Fund.’

The amendment was adopted.

Clause 106.

Section 115.

The hon. the PRESIDENT :—“The question is—

In the penultimate line for the words ‘district, taluk and village’ substitute the words “village, taluk and district.”

The amendment was adopted.

Clause 107.

Section 116.

The hon. the PRESIDENT :—“The question is—

At the end of sub-clause (i), insert the word ‘and.’”

The amendment was adopted.

Clause 115.

Section 124.

Sub-clause (i) (New sub-section (1) (a)).

The hon. the PRESIDENT :—“The question is—

In the penultimate line for the words ‘clothes or animals’ substitute the words ‘animals or clothes.’”

The amendment was adopted.

Clause 119.

Section 128.

The hon. the PRESIDENT :—“The question is—

(a) *In line 4, for the words ‘taluk board or panchayat’ substitute the words ‘taluk or village.’*

(b) *In the fifth line from the bottom, for the words ‘such board’ substitute the words ‘the taluk board or panchayat.’*

The amendment was adopted.

[24th February 1930]

Clause 128.

Section 140.

The hon. the PRESIDENT :—“The question is—

In line 1, omit the words and figure “ sub-section (1) of.”

In clause (i), after the figure ‘ (i) ’ insert the words and figure ‘ in sub-section (1). ’ ”

The amendment was adopted.

Clause 134.

Section 146.

The hon. the PRESIDENT :—“The question is—

In line 1, omit the words and figure ‘ sub-section (1) of’.

In clause (i), after the figure ‘ (i) ’ insert the words and figure ‘ in sub-section (1). ’ ”

The amendment was adopted.

Clause 138 (ii) (b).

Section 153.

The hon. the PRESIDENT :—“The question is—

In line 4, for the words ‘ land or building ’ substitute the words ‘ building or land.’ ”

The amendment was adopted.

Clause 141.

Section 160.

The hon. the PRESIDENT :—“The question is—

In line 2, before the word ‘ after ’ insert the words ‘ for the words and figures “ no licence under sub-section (1) nor any lease under sub-section (3) ” the words “ neither a licence under sub-section (1) nor a lease under sub-section (3) ” shall be substituted and’.”

The amendment was adopted.

Clause 143.

Section 163-A (2).

The hon. the PRESIDENT :—“The question is—

In lines 3, 4 and 5, for the words ‘ any public road or other property vesting in or belonging to a local board ’ substitute the words ‘ any such public road or property ’.”

The amendment was adopted.

Clause 145.

Section 166.

Sub-section (3).

The hon. the PRESIDENT :—“The question is—

In the last line, for the words ‘ will be granted ’ substitute the words ‘ may be granted ’.”

The amendment was adopted.

24th February 1930]

Clause 149.

Section 171 (4)..

The hon. the PRESIDENT :—" The question is—

In the last line, after the words ' was sought ' insert the words ' or had been obtained. '"

The amendment was adopted.

Clause 154.

Sections 183-A and 183-B.

The hon. the PRESIDENT :—" The question is—

Re-number sections 183-A and 183-B as sections 183-B and 183-A respectively."

The amendment was adopted.

Clause 155 (1).

Section 184 (1).

The hon. the PRESIDENT :—" The question is—

In line 1, omit the words and figure ' sub-section (1) of '."

The amendment was adopted.

Sub-clause (ii).

The hon. the PRESIDENT :—" The question is—

In the third line, omit the word ' and '.

In the fourth line, before the words ' shall be substituted ' insert ' and for the words ' of every such place where they are leviable ' the word ' thereof '."

The amendment was adopted.

Clause 158.

Section 187 (4).

The hon. the PRESIDENT :—" The question is—

In the last line, after the words ' was sought ' insert the words ' or had been obtained '."

The amendment was adopted.

Clause 159.

Section 188.

The hon. the PRESIDENT :—" The question is—

In line 2, for the word ' thereto ' substitute the word ' thereof '."

The amendment was adopted.

[24th February 1930]

Clause 160.

Section 189.

Sub-clause (ii).

The hon. the PRESIDENT :—" The question is—

At the end of this sub-clause, insert the word ' and '."

The amendment was adopted.

Clause 161 (ii) (c).

Section 190.

The hon. the PRESIDENT :—" The question is—

In line 1, omit the words ' in any place '."

The amendment was adopted.

Clause 164 (ii).

Section 194 (2) (ii).

The hon. the PRESIDENT :—" The question is—

In line 3, for the words ' under by-laws framed ' substitute the words ' by by-laws made '."

The amendment was adopted.

Clause 167.

Section 197.

The hon. the PRESIDENT :—" The question is—

In line 3, before the words ' shall be substituted ' insert ' and ' for the word " under " in clause (c), the word " against '."

The amendment was adopted.

Clause 169.

Section 199 (2).

* Mr. R. NAGAN GOWDA :—" Mr. President, I beg to move the following amendment :—

In the first proviso, for the words ' one hundred ' substitute the word ' fifty ' and for the words ' or a ' substitute the words ' board and twenty-five rupees in the case of candidates standing for election to a '."

" Sir, the amending clause has fixed a deposit of one hundred rupees in the case of candidates standing for election to a district board or taluk board. By this amendment, I want to propose that the amount of the deposit to be made by candidates who stand for election to the district board be Rs. 50 and that in the case of those standing for election to the taluk boards be Rs. 25. The object of this amendment is this: In the case of candidates for election to the taluk boards, if the amount is fixed at Rs. 50, the risk is rather very heavy, for there is always the chance of a candidate losing the amount in addition to the energy that he will have to expend in an election. I think, by this, we are putting poorer people under a disadvantage, while it will give additional advantage to those moneyed people who may not care much for

24th February 1930]

[Mr. R. Nagan Gowda]

losing Rs. 50. Similarly, in the case of elections to the district boards, it would keep out a large number of desirable candidates who may not be in affluent circumstances from standing for election to district boards. One of the very good features of this amending Bill is that there is direct election to district boards. Now, if a handicap like this is placed on the candidates seeking election, I think, the benefit accorded by this Act will be lost."

Mr. K. P. RAMAN MENON:—"Sir, I second this amendment of my hon. Friend Mr. Nagan Gowda. I may also mention that so far as the Legislative Council elections are concerned, the deposit required is only Rs. 250 and it is out of all proportion to fix one hundred rupees as deposit in the case of minor elections. I, therefore, support this amendment."

* The hon. Dr. P. SUBBARAYAN:—"Sir, in the District Municipalities Act also a similar provision has been made and every consideration was given in fixing Rs. 100 and Rs. 50 for elections to the district boards and taluk boards if the elections have to be conducted on proper lines and for preventing vexatious elections. I therefore think it is better to keep the same deposit as fixed in the original Bill instead of going back upon it as suggested by my hon. Friend Mr. Nagan Gowda."

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, I wish the hon. Minister would reconsider his decision in regard to this matter. He will see that there is a provision that no deposit is required from an Adi-Dravida candidate standing for election to any local board or for panchayats. The principle there is that Government have recognized that so far as certain classes of people are concerned, their economic position is so low that this levy of a deposit will work as a hardship. May I remind the hon. Minister that there are other communities which are as bad economically as our brethren of the depressed classes? I can mention to him the cases of many backward communities whose condition is such that they cannot afford the payment of these heavy deposits. After all I do not think the Minister is justified in thinking that there will be people who will like to stand for election for the mere fun of it. It is not such an easy thing, as he himself recognizes in his own limited constituency, for people to face elections. I think, no more burden than is necessary need be imposed in regard to these people who aspire to do some civic service."

The hon. the PRESIDENT:—"The question is—

In the first proviso, for the words 'one hundred' substitute the word 'fifty' and for the words 'or a' substitute the words 'board and twenty-five rupees in the case of candidates standing for election to a'."

The amendment was declared lost.

* A poll was demanded and the House divided thus:—

Ayes :

4 p.m.

- | | |
|---|---|
| 1. Mr. J. Bheemayya. | 9. Mr. T. C. Srinivasa Ayyangar. |
| 2. " K. Krishnan. | 10. Rao Sahib B. Venkataramayya Nayudu. |
| 3. " N. Srinivasa Rao. | 11. Mr. G. Lakshmana Reddi. |
| 4. " A. Ranganatha Mudaliyar. | 12. " T. S. Ramaswami Ayyar. |
| 5. " Ramanath Goenka. | 13. " Sami Venkatachalam Chetti. |
| 6. " K. P. Raman Menon. | 14. " J. A. Saldanha. |
| 7. " R. Nagan Gowda. | 15. " K. Uppi Sahib. |
| 8. Diwan Bahadur P. C. Ethirajulu Nayudu. | 16. " M. Balasubramania Mudaliyar. |

[24th February 1930]

Noes :

- | | |
|---|--|
| 1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 23. Mr. M. V. Gangadhara Siva. |
| 2. " Diwan Bahadur Sir M. Krishnan Nayar. | 24. " D. Thomas. |
| 3. " Mr. A. Y. G. Campbell. | 25. " S. Venkiah. |
| 4. " " M. R. Seturathnam Ayyar. | 26. " C. Govindan Nayar. |
| 5. " " S. Muthiah Mudaliyar. | 27. The Raja of Parlakimedi. |
| 6. " Dr. P. Subbarayan. | 28. Mr. S. N. Dorai Raja. |
| 7. Mr. Hilton Brown. | 29. " M. Narasimha Rao. |
| 8. " H. A. Watson. | 30. The Raja of Kallikota. |
| 9. " A. G. Leach. | 31. Mr. K. Ramachandra Padayachi. |
| 10. " J. Gray. | 32. " U. Ramaswami Ayyar. |
| 11. " S. V. Ramamurti. | 33. " V. Ramjee Rao. |
| 12. " C. B. Cotterell. | 34. Diwan Bahadur B. Muniswami Nayudu. |
| 13. " V. Ch. John. | 35. Rao Bahadur C. Natesa Mudaliyar. |
| 14. " M. A. Manikkavelu Nayakar. | 36. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 15. Syed Tajudin Sahib Bahadur. | 37. Mr. T. K. Chidambaranatha Mudaliyar. |
| 16. Rao Sahib R. Srinivasan. | 38. Rao Bahadur S. Ellappa Chettiyar. |
| 17. Mr. V. I. Maniswami Pillai. | 39. Khan Bahadur S. K. Abdul Razaek Sabib Bahadur. |
| 18. " R. Foulkes. | 40. Rao Bahadur K. Sitarama Reddiyar. |
| 19. Khan Bahadur Mahmud Schamnad Sahib Bahadur. | 41. Mr. C. E. Wood. |
| 20. The Zamindar of Singampatti. | 42. " F. E. James. |
| 21. Subadar-Major S. A. Nanjappah Bahadur. | 43. " A. J. Leech. |
| 22. Mr. N. Siva Raj. | 44. " R. J. C. Robertson. |

Ayes 16. Noes 44.

The motion was negatived.

Clause 169.

Section 199 (2).

Sub-clause (i).

The hon. the PRESIDENT :—"The question is—

- (a) *In the first proviso to new clause (b) omit the word 'and' occurring at the end.*
- (b) *Omit this sub-clause and renumber the sub-clauses (iii) to (ix) as (ii) to (viii) respectively."*

The amendment was adopted.

Clause (vii) as renumbered by the above amendment.

Section 199 (2) (g).

The hon. the PRESIDENT :—"The question is—

In line 2, after the word 'omitted' insert the words 'and before the words "to compel the production of documents" the word "and" shall be inserted'."

The amendment was adopted.

Clause 169 (viii) as renumbered by the above amendment.

Section 199 (2) (r).

The hon. the PRESIDENT :—"The question is—

For new clause (r), substitute the following clause, namely :—

'(r) for regulating the sharing between local authorities in the Presidency of Madras of the proceeds of the profession tax tolls and other taxes or income levied or obtained under this or any other Act; and'."

The amendment was adopted.

24th February 1930]

Clause 170.

Section 201.

The hon. the PRESIDENT :—" The question is—

For this clause substitute the following clause, namely:—

170. Sub-section (3) of section 201 of the said Act shall be omitted and after that section, the following section shall be inserted, namely :—

' 201A. A draft of the rules proposed to be made under sub-section (2) of section 74-A or under section 201 shall be laid on the table of the Legislative Council and the rules shall not be made unless the Legislative Council approves the draft either without modification or addition, or with modifications or additions ; but upon such approval being given, the rules may be made in the form in which they have been approved and such rules on being so made shall be notified and shall thereafter be of full force and effect '."

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I would like to know from the hon. the Chief Minister why he wants to insert this substantial section in preference to the existing provision in the draft."

* The hon. Dr. P. SUBBARAYAN :—" Sir, this makes a drafting alteration. Section 203 (1) and (2) deal only with rules amending the schedules. It will be inappropriate in a section dealing with the amendments of the schedules to incorporate a provision regarding rules made under sub-section (2) of section 74-A. Hence it is considered desirable to put the provision as a separate section after section 203."

The amendment was adopted.

Clause 172.

Section 203-A.

Sub-section (3).

The hon. the PRESIDENT :—" The question is—

In line 1, for the words ' a taluk board ' substitute the words ' the taluk board '."

The amendment was adopted.

Clause 174.

Section 205-A.

Sub-section (2).

The hon. the PRESIDENT :—" The question is—

In lines 2 and 3, for the words ' made by a district board in so far as it relates to a panchayat or made by a panchayat ' substitute the words ' made by a panchayat or made by a district board and relating to a village '."

The amendment was adopted.

[24th February 1930]

Clause 176.

Section 208.

The hon. the PRESIDENT :—" The question is—

At the end of sub-sections (1) and (2), add the words 'for every such offence'."

The amendment was adopted.

Clause 178 (iv).

Section 212 (9).

The hon. the PRESIDENT :—" The question is—

For this sub-clause, substitute the following sub-clause, namely :—

(iv) in sub-section (9), after the words 'licence or permission,' occurring at the end, the words 'and may, in his discretion, also recover summarily and pay over to the local board such amount, if any, as he may fix as the costs of the prosecution' shall be added ; and."

The amendment was adopted.

Clause 190.

Section 231.

The hon. the PRESIDENT :—" The question is—

In line 1, before the word and figures 'section 231' insert the words and figure 'sub-section (1) of'."

The amendment was adopted.

Clause 191.

Section 233.

The hon. the PRESIDENT :—" The question is—

In the last line for the word 'substituted' substitute the word 'inserted'."

The amendment was adopted.

Clause 193.

Heading of sections 235 to 240.

The hon. the PRESIDENT :—" The question is—

In line 2, for the word 'to' substitute the word 'of'."

The amendment was adopted.

Clause 196.

Section 240.

Sub-section (1).

The hon. the PRESIDENT :—" The question is—

In line 4, after the words 'exercise the powers' insert the words 'discharge the duties'."

The amendment was adopted.

24th February 1930]

Sub-section (2).

The hon. the PRESIDENT :—" The question is—

In line 3, for the words 'within a period of six months' substitute the words 'on a day within six months'."

The amendment was adopted.

Sub-section (3).

The hon. the PRESIDENT :—" The question is—

In line 1, after the words 'exercise the powers' insert the words 'discharge the duties'."

The amendment was adopted.

Sub-section (5).

The hon. the PRESIDENT :—" The question is—

(a) *In line 1, omit the word 'elected'.*

(b) *In lines 3 and 4, for the words and figure 'period referred to in sub-section (2) expires on' substitute the words and figure 'day referred to in sub-section (2) is'.*

(c) *In the last two lines for the words 'the expiry of such period' substitute the words 'such day'."*

The amendment was adopted.

Sub-section (8), clause (b).

The hon. the PRESIDENT :—" The question is—

Substitute the following for this clause, namely :—

'(b) If any notification declaring any local area to be a taluk or village under section 4 or section 5 is cancelled, the Local Government may pass such orders as they may deem fit as to the disposal of the property vested in the taluk board or panchayat, as the case may be'."

The amendment was adopted.

Clause 197.

New rule 4 (1).

The hon. the PRESIDENT :—" The question is—

In lines 4 and 5, omit the words '(not being a public holiday as defined in the Explanation to rule 2)', in line 8, after the words 'the local board' insert the words 'during office hours' and in line 9 omit the words 'during office hours'."

The amendment was adopted.

Clause 199 (i).

Schedule III.

The hon. the PRESIDENT :—" The question is—

In line 3, omit the word and letter 'and (d)'."

The amendment was adopted.

[24th February 1930]

Clause 204 (i).

Rule 5.

Schedule IV.

The hon. the PRESIDENT :—"The question is—

In line 3, after the word 'substituted' add 'and the words "the companies tax" shall be omitted'."

The amendment was adopted.

Clause 207.

Rule 9 (3).

The hon. the PRESIDENT :—"The question is—

Omit the words 'in the scale' in the last line."

The amendment was adopted.

Rule 11 (1) (a).

The hon. the PRESIDENT :—"The question is—

Add the word 'and' at the end."

The amendment was adopted.

Explanation (b).

Rule 11.

The hon. the PRESIDENT :—"The question is—

'Add the word 'and' at the end."

The amendment was adopted.

Rule 11-A (1).

The hon. the PRESIDENT :—"The question is—

In the fifth line from the bottom, for the words 'submit returns' substitute the words 'submit a return'."

The amendment was adopted.

Rule 11-A (4).

The hon. the PRESIDENT :—"The question is—

In the second line, for the word 'this sub-rule' substitute the word and figure 'sub-rule (3)'."

The amendment was adopted.

Clause 246.

Schedule VIII.

The hon. the PRESIDENT :—"The question is—

Omit sub-clauses (i) and (ii) and renumber sub-clauses (iii) to (ix) as (i) to (vii) respectively."

The amendment was adopted.

24th February 1930]

Clause 247.

Schedule IX. .

The hon. the PRESIDENT :—" The question is—

In sub-clause (ii), for the words 'without a licence' substitute the words 'without licence'."

The amendment was adopted.

The Schedule.

The hon. the PRESIDENT :—" The question is—

For rule 2, substitute the following rule, namely :—

' 2. Every taluk board constituted under the said Act shall be deemed to be a taluk board constituted under the said Act as amended by this Act '."

The amendment was adopted.

Rule 5.

Sub-rule (5).

The hon. the PRESIDENT :—" The question is—

Omit sub-rule (5)."

The amendment was adopted.

Rule 6 (1) (a) (i).

The hon. the PRESIDENT :—" The question is—

(a) For the words and figures 'every district board and of every taluk board referred to in sub-rule (i) of rule 2' substitute the words 'every district or taluk board.'

(b) Before the word and figures 'sections 56', insert the words and figures 'sub-section (2) of section 54 and'.

(c) At the end, insert the word 'and'."

The motion was adopted.

Rule 6 (1) (a) (ii).

The hon. the PRESIDENT :—" The question is—

Omit rule 6 (1) (a) (ii) and renumber rule 6 (1) (a) (iii) as rule 6 (1)

(a) (ii) and in that rule, before the word and figures 'sections 56' insert the words and figures 'sub-section (2) of section 54 and'."

The amendment was adopted.

Rule 6 (1) (c).

The hon. the PRESIDENT :—" The question is—

(a) In line 5, for the word and figure 'sub-section (1)', substitute the words and figures 'sub-sections (1) and (2)'."

(b) Omit the words and figure 'referred to in rule 2' in the third line from the bottom."

The amendment was adopted.

[24th February 1930]

Rule 8.

The hon. the PRESIDENT :—"The question is—

In the last line, for the words, letters and figures 'in clause (a) or (b) of sub-rule (1) of rule 5', substitute the words, letters and figures 'under clause (a) or (b) of sub-rule (1) of rule 6'."

The amendment was adopted.

Rule 9 (1).

The hon. the PRESIDENT :—"The question is—

Renumber rule 9 (1) as rule 9 and in the rule as renumbered, for the words 'district boards, taluk boards and panchayats' substitute the words 'district boards, taluk boards, panchayats and the committees constituted under section 114-A of the said Act as amended by this Act'."

The amendment was adopted.

General.

The hon. the PRESIDENT :—"The question is—

Renumber the clauses of the Bill in the numerical order."

The amendment was adopted.

The hon. the PRESIDENT :—"The hon. the Chief Minister will now make his speech."

The hon. Dr. P. SUBBARAYAN :—"Sir, I wish to reserve my speech to the end."

* Diwan Bahadur B. MUNISWAMI NAYUDU :—"Sir, I must congratulate the hon. the Chief Minister on getting these two amending Bills successfully through the House. Sir, from the beginning the hon. Minister was trying to get the Bills acceptable to all parties in the House. He got together a conference to find out what exactly the opinion of the various parties in the House was, and in pursuance of the resolutions arrived at in that conference he introduced the Bills. At the time when he introduced the Bills many of us felt that he might have introduced a new Bill; for we were not able to follow the changes contemplated, and we were much perplexed and confused.

"In the Select Committee, many of us, members of the various parties were adequately represented, and in this connexion I wish to pay a tribute to Mr. Sami Venkatachalam Chetti and his party (I mean the Swarajists) for having co-operated in every possible manner to make the Bills amended in a manner that would be acceptable to all sides of the House.

"Sir, it was thought that these Bills were introduced towards the fag end of the life of this Council, and therefore it was not right to pass them at that stage. But that feeling soon disappeared. The good feeling that prevailed

24th February 1930] [Mr. B. Muniswami Nayudu]

in the Select Committee and particularly the reasonable attitude which the hon. the Chief Minister took in trying to meet all reasonable suggestions, no matter from which party, made it possible for those who sit in the minority group to agree with the views of the hon. Minister. My Friend Mr. Arogyaswami Mudaliyar proposed an amendment that the consideration of the Bills should be put off to another Council. But some of us thought that the labours expended should not be allowed to be wasted, but on the other hand the Bills, as they emerged from the Select Committee, should be passed by the Council. I owe it to the hon. the Chief Minister, to say that he has made it a convention that he would not go beyond the recommendations of the Select Committee, but would as far as possible stick to them. It was very good of him to have taken up that attitude and made it possible for this House to co-operate with him.

"Sir, it cannot be contended for one moment that the several defects found in the working of the local bodies have been rectified. But it must be conceded that these Bills go a long way towards removing some of the anomalies and grave defects. Sir, nominations have been abolished and provision has been made for reservations of seats up to one-fourth; and the persons to whom such reservation is intended have been made clear.

"Sir, if the Bill should ultimately become an Act and is worked in the spirit in which it has been agreed to during the deliberations of this House, I am sure that the communities in whose favour these reservations were made will find appreciable improvement in regard to their representation. It has been no doubt, Sir, unfortunate so far as representation of these communities was concerned it was not possible to come to a unanimous conclusion. There has been a demand in the House from the communities concerned that there should be separate electorates, but it was not possible for some of us to agree with that view. I am sure, Sir, that if the Bill is worked and worked in the right spirit, the apprehensions entertained by these communities will be removed and it will be found that these communities are adequately and properly represented. With regard to the preparation of electoral rolls, no doubt, all democratic institutions must have the right to have their own electorates and to settle their own electorates. That has been the feeling under which the old Act provided that the local boards or the municipalities should frame their own electoral rules, should convene meetings and also take steps to have their electoral rolls prepared. Sir, the way in which some of these elections were conducted has acted as a reaction and many have felt that after all the removal of the preparation of the electoral rolls may be a step in the right direction. This feeling has been taken note of by the Government. This is an improvement on the old Bill and I am sure that with the experience we may gain we will be able to know what exactly should be the ultimate authority which should be entrusted with the conduct of elections and the preparation of electoral rolls. The proposal to give adult franchise at least to panchayats has not been accepted by this House though the Select Committee agreed to it. I do hope that in a few years after the working of this Bill it will be possible for the Government to agree that adult franchise should be given at least to the village panchayats. Those communities who cannot claim franchise on the ground of tax-paying capacity will then have the fullest right to vote. When such a disqualification is removed and when adult franchise is restored, they will have adequate representation in the matter of influencing elections. Sir, there have been

4-15
p.m.

[Mr. B. Muniswami Nayudu] [24th February 1930]

other amendments introduced in the Bill, some of them dictated by experience of the last few years, and I do hope that the passing of these two Bills marks an advance in the matter of the local board institutions. It has been the experience of this province that such Bills come in for being discussed just before the end of a Council and simultaneously with the question of the general constitutional advance. In 1919, Sir, when these Bills were similarly being taken up and pushed through the Councils, I knew there was a strong feeling that the Bills should not have been dealt with by the old Council, but that they should be dealt with by the new Council. It must be said to the credit of the Minister that he has been able to pilot two big Bills of this sort in the shortest time possible and with the good-will and co-operation of all parties. I have, therefore, very great pleasure in supporting the passing of this Bill."

Khan Bahadur MAHMUD SHAMNAD SAHIB Bahadur :—"Sir, I have great pleasure in congratulating the Chief Minister in having successfully piloted two important Bills. It has been said that this Council was barren of legislation but I find that this Council has enacted as many laws as any previous Council. The Bill, Sir, as introduced contained many salutary provisions with far-reaching results but I am sorry that the Select Committee could not see its way to recommend them all. However, as it is, it is a great advance upon the existing Local Boards and Municipal Acts. Some of us would have liked separate electorates being given for Muhammadans and depressed classes and for some others also who wanted it. But, however, as this Council could not agree to the proposal and as some of our leaders including Mr. Muniswami Nayudu were opposed to it, we could not succeed in getting them in. On the whole, the Bill is a great success to the Council and also to the Minister."

* Rao Sahib V. I. MUNISWAMI PILLAI :—"I rise to heartily congratulate the hon. the Chief Minister for the able way in which he piloted these two Bills. It will mark an era of success and will be a landmark in the history of the present Council. Sir, I would like to refer to a few things which we have come across in these two Bills. Of course there are many salient points which we welcome on our part. The change of authority that would be conducting the future elections is welcomed not only by the depressed classes but by others as well, for practical experience has shown that there has been a feeling in the country that a change must come and it has come. Sir, some of the hon. gentlemen who spoke this morning and now are jubilant over the abolition of nominations. Of course, in policy, it is good but I fear since there is no certainty of reservation for the depressed classes in all the municipalities unless the Government come forward and make proper rules, whether there are depressed classes in large numbers or not in every town, for reservation of seats for these classes, the real object of the Bill will not be attained. Sir, coming to the local boards, this Bill goes a long way to encourage the depressed classes and to give them a real share in the administration of the land. Sir, reserving a fourth of the seats in the panchayats, I am sure, will lead the depressed classes to take a real part in the affairs of the village. The one difficulty is that, even, in the district boards, there is not the compulsory reservation for the depressed classes, and here also I appeal to the authorities that proper rules must be made so that their representation may be secured there also. This morning the hon. the Chief Minister observed

24th February 1930] [Mr. V. I. Muniswami Pillai]

that he would keep a vigilant watch over the interests of the depressed classes. I am sure that he will bring it into practice. One other difficulty which the depressed classes are forced to face is that they have to face the joint electorate in the election for district board seats. Of course, in the municipal area, it may be possible but I think there will be difficulty in the district boards. Sir, one other thing for which I have to thank every member of this House is for the clear definition of the term 'depressed classes'. Sir, hitherto, it has been worrying the leaders of the depressed classes and even the Government as to who are the real depressed classes. These two Bills have definitely laid down who the depressed classes are and this decision has been wholeheartedly supported and received by my community in every part of this Presidency. With these words, I have very great pleasure in congratulating the hon. the Chief Minister."

* Mr. C. E. Wood :—"I wish heartily to congratulate the hon. the Chief Minister. I join with Mr. Schamnad in regretting that separate electorates were not given; but I hope with my hon. Friend Mr. Muniswami Nayudu that in practice it will be found that these are unnecessary. If, however, the hon. the Chief Minister and the Government find that it is necessary and eventually bring an amending Bill to put this right they may be certain that the European group will give the amending Bill their support. Apart from this, I think a very valuable piece of legislation is being enacted—one which will remove so far as taxation is concerned a good many anomalies and uncertainties which have led in the past to very unnecessary litigation. That alone, if accomplished, is well worth while. I trust that the hon. the Chief Minister will not consider his work now finished but will undertake the necessary amendments to the City Municipal Act also, as all these three Acts should come exactly into line. Otherwise, further anomalies and injustices as regards taxation will arise. I hope that Government will take up the amendment of the Madras City Municipal Act on the first possible occasion and bring it into line."

Rao Sahib R. SRINIVASAN :—"Mr. President, Sir, I join with the hon. members who spoke before me in congratulating the hon. the Chief Minister. I thank him on behalf of the depressed classes for his efforts to bring them into prominence and give them equal status with the other communities. But as long as separate electorates are not given to the depressed classes it will be a sore disappointment to them and the present Bill which the hon. the Chief Minister has presented to them is something like writing on a piece of paper the word 'sweet' and asking us to taste it. It will surely be sour."

* The hon. Dr. P. SUBBARAYAN :—"Mr. President, Sir, as I said in regard to the District Municipalities Act, my thanks are due to Mr. C. Govindan Nayar, Under Secretary to Government, Law (Drafting) Department and Mr. Hilton Brown who worked hard on account of these two Bills. I must also thank Mr. Cotton and Mr. Cotterell who dealt with these measures before they took a final shape. I must not forget the name of Mr. Gopalaswami Ayyangar who really began the amendments of these two Bills when he was here as the Registrar-General of Panchayats. I have also derived great help from the present Registrar-General of Panchayats who has been here and helped us in the deliberations in the Council and Select Committee in regard to these two measures. I must also thank Mr. K. V. Rajagopala Ayyangar, the

[Dr. P. Subbarayan]

[24th February 1930]

Superintendent of the Law (Drafting) Section and Mr. S. Sivaswami Ayyar, clerk of the Local Self-Government Special Section, for the invaluable help they have rendered in the drafting of these two Bills at every stage. I must thank the Members of the Opposition for the very kind way in which they have treated me and these two Bills in the course of their being piloted through this Council. Mr. Sami Venkatachalam evidently thought that I had missed paying a tribute to Members of his then party with regard to the help they rendered to these Bills. I am really thankful to the Members of the Congress Party especially to Mr. P. C. Venkatapathi Raju and Mr. Satyamurti, who were very helpful in the Select Committee and to all the other members who are not present here to-day and whose faces, I am sorry, I do not see here, because their criticisms were really constructive and not destructive in any way. As Mr. Muniswami Nayudu rightly observed, it was my intention not to go beyond the work of the Select Committee except in cases where we felt that there were some important amendments which had to be introduced. I am glad the hon. Member from Chittoor has recognized the fact that I have, as far as possible, kept that determination when I found that the Members of the Congress Party were absent from this Council."

MR. SAMI VENKATACHALAM CHETTI :—" The hon. the President ? "

The hon. Dr. P. SUBBARAYAN :—" I hear Mr. Sami Venkatachalam Chetti asking what about the President. I am going to reserve him to the end.

" The question of special electorates has caused a great deal of consternation especially in the minds of my Adi-Dravida and Muhammadan friends and also in the minds of Europeans, not because of their own position, but because they feel that the problem of minorities ought to be fairly solved. I would like to tell them this, that in the case of local bodies and municipal councils, it is better that we try the joint electorate and see how it works and as Mr. Wood suggested, if it is found that it does not work well, it may be the duty of the then Government to bring forward a measure to give ample protection to minorities so that they may not feel their interests are not safeguarded in the local bodies.

" I am glad that Mr. Wood has recognized that the question of taxation has been solved to a certain extent by the Bill and that many anomalies which existed in the old Act have been sought to be remedied. I know that some difficulty exists in the City Municipal Act. But because of the heavy legislative programme during this year, it has not been possible for the Government to adequately and properly attend to it. Mr. Wood, I am sure, knows that a committee has been constituted by the Government composed of men interested in the working of the City Municipal Act and they are considering amendments that may be necessary to bring the Act into line with these two Acts as amended by these two measures.

" Finally, Sir, I should like to pay my thanks to you. It is very kind of you to have agreed to sit as Chairman of the Select Committee and to go through the ordeal of sitting through these two Bills which took two weeks of your time which you need not have done. According to the constitutional practice, it is not usual for the President of the Council to be the Chairman of a Select Committee. Therefore, I think, the thanks not only of myself but of the Members of the Select Committee and of this House are due to

24th February 1930]

[Dr. P. Subbarayan]

you for the way in which you conducted the proceedings of the Select Committee and again I must thank you also for the way in which you were able to help the Members of this House in coming to conclusions with regard to this Bill both in the second reading stage and in the third reading stage. And finally, Sir, though your Secretary is outside the sphere of this House, my thanks are due in no small measure to Rao Bahadur R. V. Krishna Ayyar who, during the proceedings of the Select Committee, did what he could to help us to bring this measure into its proper shape. With these words, Sir, I thank you once again for your kindness and consideration and the Members of the House for their kindness and consideration."

* Mr. A. RANGANATHA MUDALIYAR :—" I would like to add my thanks and congratulations to those that have already been offered. It has been given to the hon. the Chief Minister to realize a part of the programme he had laid down for himself at the beginning of his career. Sir, I think the hon. Minister recognizes as well as any of us here, that there are many directions in which the Bill might be improved. Yet, I believe, Sir, that what has been so far achieved is a real advance on the old state of affairs. Sir, we are grateful to the Minister for the stand which he took on the question of joint electorates. I am sure that the fears, if any, entertained by my friends here and there on the question of joint electorates will be found baseless when it comes to the actual working of the provisions of the Bill. I am sure that now that the Government have chosen to deprive themselves of the great power of patronage, they would find themselves in a healthier atmosphere to take a wider outlook of local self-government and try to advance it on healthy, vigorous and none the less efficient lines. I congratulate the hon. Minister on having successfully piloted this measure through the Council."

The motion that the Bill be passed into law was put and adopted.

IV

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1929-30.

(1) GRANT VI—IRRIGATION—RESERVED.

* The hon. Mr. A. Y. G. CAMPBELL :—" On the recommendation of His Excellency the Governor I move that the Government be granted a further sum not exceeding Rs. 200 under Grant VI—Irrigation—Reserved. This is a grant to carry out certain works in connexion with the Kangalancheri regulator in the Vettar river in the Cauvery delta system. During the floods of last October a scour occurred which undermined the piers and has caused a sinkage in front of the regulator. It is essential that this work should be repaired immediately in order to prevent further and more serious damage. The other item is required in respect of a bridge built in 1874. The steel work of the bridge has become rusted and worn out. The main decking and girders have to be replaced at once with plate girders and rolled steel beams on reinforced concrete decking and we wish to do it at once as it is an important bridge and it is now unsafe."

The demand was put and carried and the grant was made.